IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 664 (S/S) of 2007

Sunil Kumar S/o Pyare Lal
R/o Valmiki Basti Near Telephone Exchange, Haridwar
District - Haridwar ------- Petitioner

Versus

1. Nagar Palika Parishad, Haridwar through its Chairman
2. Executive Officer, Nagar Palika Parishad, Haridwar
3. Senior Health Officer, Nagar Palika Parishad, Haridwar

------ Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Lalit Tewari, learned counsel for the petitioner and Sri Pankaj Miglani, learned counsel for the respondents.

By means of this writ petition, the petitioner has prayed to issue a writ, order or direction in the nature of certiorari quashing the proceedings of interview conducted by the respondents on 6th June, 2007 for promotion on the post of Safai Hawaldar, Nagar Palika Parishad, Haridwar.

The stand of the petitioner is that he is working as Assistant Safai Hawaldar since 06.01.1991. Learned counsel for the petitioner has submitted that petitioner has not been called for interview for promotion on the post of Safai Hawaldar, whereas the persons like Sri Salek Chand, Sri Ashok and Sri Sunil, who were appointed as Assistant Safai Hawaldar on 03.03.1992, 03.10.1992 and 30.11.1993 respectively, have been called for interview.

According to the learned counsel for the respondents, the interview was not held on 6th June, 2007, but it was held on 4th

June, 2007. He has also disputed the stand of the petitioner that he is senior to Sri Salek Chand, Sri Ashok and Sri Sunil.

As per document, which is filed by the petitioner as Annexure 2 to the writ petition, the petitioner was appointed prior to these three above named persons.

In these circumstances, I deem it fit proper to direct the respondent authorities to ensure whether the petitioner is senior to these persons who have been named by the petitioner and in case he is senior to them, he shall also be considered to be called for interview and his candidature will also be considered for the post of Safai Hawaldar and till the decision is taken on these two grounds, no promotion order shall be passed in respect of the three persons abovenamed on the basis of interview held by the respondent on 4th June, 2007.

Petitioner is also directed to submit a copy of this order before the respondent authority within a week from today. Learned counsel for the respondents also undertakes that within a week, the promotion order shall not be issued in pursuance to the interview held on 4th June, 2007.

With these directions, the writ petition is finally disposed of. All the applications stand disposed of.

(M.M. Ghildiyal, J.)

14.06.2007
VKS